

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

CHAPTER 223

HOUSE BILL 2726

AN ACT

AMENDING SECTION 33-1201, ARIZONA REVISED STATUTES; RELATING TO CONDOMINIUMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 33-1201, Arizona Revised Statutes, is amended to
3 read:

4 33-1201. Applicability

5 A. This chapter applies to all condominiums created within this state
6 ~~on or after January 1, 1986~~ WITHOUT REGARD TO THE DATE THE CONDOMINIUM WAS
7 CREATED.

8 ~~B. This chapter applies to all condominiums created before January 1,~~
9 ~~1986 to the extent that this chapter does not conflict with the declarations,~~
10 ~~articles or bylaws of the condominium.~~

11 ~~C. With respect to condominiums created before January 1, 1986, this~~
12 ~~chapter applies to the extent the provisions of this chapter are not in~~
13 ~~conflict with former chapter 4.1 of this title, in effect before January 1,~~
14 ~~1986, or declarations, bylaws or plats of condominiums adopted pursuant to~~
15 ~~former chapter 4.1 of this title. The provisions of former chapter 4.1 of~~
16 ~~this title and the declarations, bylaws or plats adopted pursuant to that~~
17 ~~chapter control, except as provided in subsection D of this section.~~

18 ~~D. The provisions of former chapter 4.1 of this title, in effect~~
19 ~~before January 1, 1986, do not apply to condominiums created on or after~~
20 ~~January 1, 1986. The repeal of chapter 4.1 of this title does not invalidate~~
21 ~~condominiums created pursuant to chapter 4.1 of this title or future~~
22 ~~amendments to declarations, bylaws and plats of these condominiums if the~~
23 ~~amendments are permitted by this chapter. Amendments shall be adopted in~~
24 ~~conformity with the procedures and requirements specified in the~~
25 ~~declarations, bylaws and plats which were adopted pursuant to former chapter~~
26 ~~4.1 of this title. If amendments grant to a person any rights, powers or~~
27 ~~privileges permitted by this chapter, all correlative obligations,~~
28 ~~liabilities and restrictions in this chapter also apply to that person.~~

29 ~~E. Any unit owners' association created before January 1, 1986 may~~
30 ~~elect to be subject to the provisions of this chapter by amending its~~
31 ~~condominium documents to conform with the requirements of this chapter. The~~
32 ~~amendment must be adopted in conformity with the condominium documents and~~
33 ~~must be permitted by this chapter. If an amendment grants to a person a~~
34 ~~right, power or privilege permitted by this chapter, all correlative~~
35 ~~obligations, liabilities and restrictions in this chapter also apply.~~

36 Sec. 2. Effective date

37 Section 33-1201, Arizona Revised Statutes, as amended by this act, is
38 effective from and after December 31, 2008.

APPROVED BY THE GOVERNOR MAY 20, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 20, 2008.